

Regular Session, 2009

SENATE BILL NO. 102

BY SENATOR DUPLESSIS

SPECIAL DISTRICTS. Provides relative to the East New Orleans Neighborhood Advisory Commission. (8/15/09)

AN ACT

To amend and reenact R.S. 33:9100.1, 9100.3(A), 9100.4(B), 9100.5, 9100.6(A), 9100.7(A) and (C), and 9100.11, to enact R.S. 33:9100.9(E), to repeal R.S. 33:9100.10, relative to the East New Orleans Neighborhood Advisory Commission; to provide for commission membership; to provide for commission jurisdiction; to provide for terms; to provide for officers and meetings; to provide for staff; to require notice from governing authority regarding zoning and building permits; to require that views of the commission to be presented only by their officers; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9100.1, 9100.3(A), 9100.4(B), 9100.5, 9100.6(A), 9100.7(A) and (C), and 9100.11 are hereby amended and reenacted, and R.S. 33:9100.9(E) is hereby enacted to read as follows:

§9100.1. Definitions

Whenever used in this Chapter, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be

given the following interpretations:

(1) "Area" means ~~the neighborhoods in New Orleans East that are represented on the commission membership.~~ **the boundaries of the industrial canal to the west, the intracoastal canal to the south, the St. Tammany Parish line to the east and Lake Pontchartrain to the north.**

(2) "Commercial development" means all facilities and improvements used for commercial or other nonresidential purposes.

~~(2)~~ **(3)** "Commission" means the East New Orleans Neighborhood Advisory Commission.

~~(3)~~ **(4)** "Governing authority" means the governing authority of the city of New Orleans.

(5) "Large development" means any development other than single-family development, a multi-family development or a commercial development.

(6) "Multi-family development" means any building that is designed to house more than one family, including, but not limited to duplexes, condominiums and apartment buildings.

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§9100.3. Commission's neighborhood area; domicile

A. The commission area shall include each neighborhood in New Orleans East that is represented on the commission by the ~~chief executive officer~~ **president** ~~and or~~ appointed representative of the neighborhood ~~organization or association~~ **or organization** as provided in this Chapter.

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§9100.4. Purposes

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B. Within the commission's area, the commission ~~shall~~ **may**:

(1) Present and further the interest of the individual homeowners in the area to aid in the preservation of property values and to improve the character and integrity of individual residential neighborhoods.

(2) Educate and inform member neighborhood ~~organizations and~~ associations
or organization on matters and issues of general interest.

(3) Participate in planning and improvement.

(4) Participate with community-based organizations which seek to improve
the community environment.

§9100.5. Commission membership

A.~~(1)~~ The commission shall consist of the ~~chief executive officer and one~~
~~representative appointed by the chief executive officer from each duly organized~~
~~nonprofit organization or association representing single-family homeowners in New~~
~~Orleans East which requests membership on the commission.~~ **president of each**
neighborhood association or organization or an appointed representative of that
neighborhood association or organization. The party representing the
association or organization must submit an affidavit attesting to their status as
president or being an appointed representative from their respective
organization or association.

(2) The commission shall also consist of two at-large members elected
from the commission area.

B.~~Each representative appointed by a chief executive officer for membership~~
~~on the commission shall be an elector of and be domiciled within his respective~~
~~neighborhood.~~

~~C.~~**B.** Commission members shall serve without compensation.

~~D.(1) The term of each commission member who is an appointed~~
~~representative of an organization or association shall be two years. A member may~~
~~be appointed for a succeeding term; however, no such member shall serve more than~~
~~three consecutive terms.~~

C.(1) The term of each commission member who is a president of a
neighborhood association shall be the same as his term of office for the
association that he represents.

(2) The term of each commission member who is an appointed

representative of an organization shall be the same as the term of the president of the organization that appointed him.

(3) The term of each commission member who is an at-large member shall be two years. Such members shall not be term limited.

~~(2)~~ **D.** A commissioner shall serve until his successor has been appointed and qualified.

~~(3)(a)~~ **E.(1)** Any appointed ~~representative member~~ **commissioner** of the commission who ceases to be domiciled in his respective neighborhood shall be considered to have resigned, and the position shall be declared vacant.

~~(b)~~ **(2)** A vacancy on the commission shall be filled in the manner of the original appointment for the remainder of the unexpired term.

~~(4)~~ **(3)** No elected official ~~in the legislative branch of state government~~ may serve as a member of the commission.

~~E.~~ **F.** Each commission member shall have a vote at commission meetings.

§9100.6. Commission officers

A. ~~Annually~~ **Every two years**, the commission shall elect from its membership a chairman, vice chairman, secretary, and such other officers as it deems appropriate.

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§9100.7. Commission meetings

A. The commission shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the commission's area designed to reasonably accommodate the residents of the area attending the meeting as may be provided in the bylaws. Special meetings may be called by the chairman or by the executive board and shall be called by the chairman upon written request of at least ten percent of the total ~~commission membership~~ **number of commissioners.**

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C. The presence of at least forty percent of the total ~~commission membership~~

number of commissioners shall constitute a quorum for the transaction of business.

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§9100.9. Executive board

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E. The executive board of the commission, with the concurrence of the commission, may hire such staff and other personnel as may be necessary to carry out the directions and instructions of the commission and do other acts as may be directed or authorized by the commission.

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§9100.11. Advisory authority of commission; official representation

A.**(1)** The commission may advise the governing authority, the mayor, or any other agency, department, board, commission, or other entity of local or state government with respect to all proposed matters of government policy which affect the area, including but not limited to decisions regarding planning, zoning, streets, recreation, social services programs, education, health, safety, budget, and sanitation.

(2) For purposes of this Chapter, all notices shall be sent either by email, facsimile, or certified mail to the commission's office.

B. No parish or municipal commission or governing authority shall zone or change an existing zoning as to any property within the area without giving notice to the commission officers at least fifteen days prior to the date set for public hearing on the matter.

C. The governing authority, mayor, or applicable agency, department, board, commission, or other entity of local or state government shall provide notice to the commission officers upon receipt of any application for a building permit for a multi-family development, commercial development or a large development within the commission area.

~~B-D.~~ The governing authority, mayor, or applicable agency, department, board, commission, or other entity of local or state government shall provide at least ~~thirty~~ **fifteen** days written notice to the commission officers of any intent to acquire

1 or dispose of immovable property in the area or any intent to change the use of
2 property owned or leased by the respective governmental entity in the area.

3 ~~C.E.~~(1) "Proposed government action" as covered by this Chapter includes
4 but is not limited to action of the governing authority, the mayor, or any other
5 agency, department, board, commission, or other entity of local or state government.

6 (2) Each local or state agency, department, board, or commission, prior to
7 transmitting to the governing authority or other respective governmental entity any
8 proposed revenue bond issuance, or before the formation of any final policy,
9 decision, or guidelines with respect to grant applications, comprehensive plans,
10 requested or proposed zoning changes, variances, public improvements, ~~licenses, or~~
11 ~~permits affecting the area,~~ the parish budget and goals and priorities, proposed
12 changes in local or state government services delivery, and opening of any proposed
13 specialty systems, shall provide at least thirty days advance notice of the proposed
14 action to each commission officer.

15 ~~D.F.~~ The issues and concerns raised in recommendation of the commission
16 shall be given great weight during the deliberations of the governing authority, the
17 mayor, or any other agency, department, board, commission, or other entity of local
18 or state government. This requires acknowledgment of the commission as the source
19 of the recommendation and reference to each issue and concern.

20 ~~E.G.~~ The views of the commission shall only be presented by an officer of
21 the commission ~~or by a commission representative duly selected at a public meeting~~
22 ~~by the commission to represent its view on the particular issue or proposed action.~~

23 ~~F.H.~~(1) No provision of this Chapter is intended nor shall be construed to
24 impede, interfere with, delay, or supersede any regulatory authority of the governing
25 authority, the mayor, or any other agency, department, board, commission, or other
26 entity of local or state government.

27 (2) No provision of this Chapter is intended nor shall be construed to impede,
28 interfere with, delay, or supersede any licensing functions, rulemaking, or
29 decisionmaking authority as provided for in the Administrative Procedure Act,

- 1 formulation of policies and procedures, nor the award of grants by or to any agency.
- 2 Section 2. R.S. 33:9100.10 is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Duplessis (SB 102)

Present law defines "area" as the neighborhoods in New Orleans East that are represented on the commission membership.

Proposed law defines "area" as the boundaries of the industrial canal to the west, the intracoastal canal to the south, the St. Tammany Parish line to the east and Lake Pontchartrain to the north.

Proposed law defines a "multi-family development" as any building that is designed to house more than one family, including, but not limited to duplexes, condominiums and apartment buildings.

Proposed law defines a "commercial development" as all facilities and improvements used for commercial or other nonresidential purposes.

Proposed law defines a "large development" as any development other than single-family developments, multi-family developments or commercial developments.

Present law provides that the commission area shall include each neighborhood in New Orleans East that is represented on the commission by the chief executive officer and appointed representative of the neighborhood organization or association.

Proposed law provides that the commission area shall include each neighborhood in New Orleans East that is represented on the commission by the president or appointed representative of the neighborhood association or organization.

Present law provides that the commission shall consist of the chief executive officer and one representative appointed by the chief executive officer from each duly organized organization or association representing single-family homeowners in New Orleans East which requests membership on the commission.

Proposed law provides that the commission shall consist of the president of each neighborhood association or organization or an appointed representative of that neighborhood association or organization. The party representing the neighborhood association or organization must submit an affidavit attesting to their status as president or being an appointed representative from their respective organization or association. Proposed law further provides that the commission shall also consist of two at-large members elected from the commission area.

Present law provides that the term of each commission member who is an appointed representative of an organization or association shall be two years. A member may be appointed for a succeeding term; however, no such member shall serve more than three consecutive terms.

Proposed law provides that the term of each commission member who is a president of a neighborhood association shall be the same as his term of office for the association that he represents. Proposed law further provides that the term of each commission member who is an appointed representative of a organization shall be the same as the term of the president

of the organization that appointed him. Proposed law provides that the term of office for the elected at-large member shall be two years and that such members shall not be term limited.

Present law provides that no elected official in the legislative branch of state government may serve as a member of the commission.

Proposed law provides that no elected official may serve as a member of the commission.

Present law provides that each year, the commission shall elect from its membership a chairman, vice chairman, secretary, and such other officers it deems appropriate.

Proposed law provides that every two years, the commission shall elect from its membership a chairman, vice chairman, secretary, and such other officers it deems appropriate.

Present law provides that special meetings may be called by the chairman or by the executive board and shall be called by the chairman upon written request of at least 10% of the total commission membership.

Proposed law provides that special meetings may be called by the chairman or by the executive board and shall be called by the chairman upon written request of at least 10% of the total number of commissioners.

Present law provides that the presence of at least 40% of the total commission membership shall constitute a quorum for the transaction of business.

Proposed law provides that the presence of at least 40% of the total number of commissioners shall constitute a quorum for the transaction of business.

Present law provides that the executive director, with the concurrence of the commission, may hire such staff and other personnel as may be necessary to carry out the directions and instructions of the commission and do other acts as may be directed or authorized by the commission.

Present law provides that the commission shall:

- (1) Present and further the interest of the individual homeowners in the area to aid in the preservation of property values and to improve the character and integrity of individual residential neighborhoods.
- (2) Educate and inform member neighborhood organizations and associations on matters and issues of general interest.
- (3) Participate in planning and improvement.
- (4) Participate with community-based organizations which seek to improve the community environment.

Proposed law retains present law but changes "shall" to "may."

Present law provides that the executive director, with the concurrence of the commission, may hire such staff and other personnel as may be necessary to carry out the directions and instructions of the commission and do other acts as may be directed or authorized by the commission.

Proposed law retains present law but gives such authority to the executive board of the commission.

Proposed law provides that no parish or municipal commission or governing authority shall

zone or change an existing zoning as to any property within the area without giving notice to the commission officers at least 15 days prior to the date set for public hearing.

Proposed law provides that the governing authority, mayor, or applicable agency, department, board, commission, or other entity of local or state government shall provide notice to the commission officers upon receipt of any application for building permits for multi-family developments, commercial developments or large developments within the area.

Present law provides that the governing authority, mayor, or applicable agency, department, board, commission, or other entity of local or state government shall provide at least 30 days written notice to the commission officers of any intent to acquire or dispose of immovable property in the area or any intent to change the use of property owned or leased by the respective governmental entity in the area.

Proposed law retains present law but changes the minimum notice requirement from "30 days" to "15 days."

Proposed law provides that all notices shall be sent either by email, facsimile, or certified mail to the commission's office.

Proposed law provides that each local or state agency, department, board, or commission, prior to transmitting to the governing authority or other respective governmental entity any proposed revenue bond issuance, or before the formation of any final policy decision, or guidelines with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, the parish budget and goals and priorities, proposed changes in local or state government services delivery, and opening of any proposed specialty systems, shall provide at least thirty day advance notice of the proposed action to each commission officer.

Present law provides that the views of the commission shall only be presented by an officer of the commission or by a commission representative duly selected at a public meeting by the commission to represent its view on the particular issue or proposed action.

Proposed law provides that views of the commission shall only be presented by an officer of the commission.

Effective August 15, 2009.

(Amends R.S. 33:9100.1, 9100.3(A), 9100.4(B), 9100.5, 9100.6(A), 9100.7(A), (C) and (F), and 9100.11; adds R.S. 33:9100.9(E); repeals R.S. 33:9100.10)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Change references from nonprofit organization to organization.
2. Provides for terms of at-large members.
3. Adds notice requirements.
4. Removes licenses and permits from the notice requirements for proposed actions.